



**STATE PROCUREMENT OFFICE
NOTICE OF AND REQUEST FOR EXEMPTION
FROM CHAPTER 103D, HRS**

1. TO: Chief Procurement Officer
2. FROM: Council Administrative Support Services

Department/Division/Agency

Pursuant to §103D-102(b)(4), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:

3. Description of goods, services or construction:
This request for an exemption covers the continuation of Council telecasts airing on a public access channel by an independent contractor.

4. Name of Vendor: Access Service Corporation (ASC) Address: 1164 Bishop Street, #124-295 Honolulu, Hawaii 96813	5. Price: \$64,642.49
6. Term of Contract: From: 10-03-09 To: 12-31-09	7. Prior Exemption Ref. No. 80709

8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:
The City has already conducted RFP No. CN09-01 to procure telecasting services and Olelo Community Television was selected to commence services as of July 1, 2009. A debriefing for ASC was conducted July 6, 2009. On July 13, 2009, this award was formally contested by ASC (the vendor for the past four fiscal years) via notification from the law firm of Wong, Feldman & Kim. During the protest period, there is a stay of the award pursuant to resolution of this protest (References: HAR 3-126-4 and HAR 3-126-5). Further, the least disruptive means for the continuation of telecasting is to permit ASC to do the broadcasting during the interim. An interim contract will provide the necessary services while maintaining the status quo during the pendency of the protest.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
See above.

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
A review of this matter was made by Council Fiscal Officer with transmission of this document to the Legislative CPO for review (after the posting requirement has been fulfilled).

REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

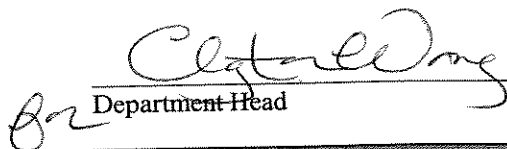
12. A list of agency personnel, by position, who will be involved in the approval process and administration of the contract:

Name	Position	Involvement in Process	
Todd Apo	Chair & Legislative CPO	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
Clayton Wong	Fiscal Officer	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration
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		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration

13. Direct inquiries to:
 Department: City Council
 Contact Name: Clayton Wong
 Phone Number: 808-768-5084
 Fax Number: 808-768-5011

Agency shall ensure adherence to applicable administrative and statutory requirements

14. *I certify that the information provided above is, to the best of my knowledge, true and correct.*


 Department Head

September 25, 2009
 Date

Reserved for SPO Use Only

15. Date Notice Posted Sept. 25, 2009

The Chief Procurement Officer is in the process of reviewing this request for exemption from Chapter 103D, HRS. Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven calendar days or as otherwise allowed from the above posted date to:

Chief Procurement Officer
 State Procurement Office
 P.O. Box 119
 Honolulu, Hawaii 96810-0119

Chief Procurement Officer's comments:

16.



APPROVED



DISAPPROVED



NO ACTION REQUIRED


 Chief Procurement Officer

10/5/09
 Date